

REMARKS

This responds to the Office Action dated June 12, 2006, and the references cited therewith.

Claims 1 and 11 are amended, claims 4, 14, and 21-24 are canceled, and claims 25-28 are added. As a result, claims 1-3, 5-13, 15-20, and 25-28 are now pending in this application.

Priority

The office action states that the disclosure of the prior-filed application, Application No. 09/316,515 (279.112US1), fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application because no reference or discussion of adjusting a ventricular escape interval could be found in the prior-filed application. Applicant does not agree. The term “first indicated pacing interval” as used in U.S. Patent Application No. 09/316,515 (now U.S. Patent No. 7,062,325), as well as U.S. Patent Application No. 09/316,588 (now U.S. Patent No. 6,285,907) which was incorporated by reference, refers to a ventricular escape interval which is adjusted in accordance with the VRR algorithm. Applicant believes that one or more claims of the present application are entitled to a priority date corresponding to the filing date of U.S. Patent Application No. 09/316,515 and reserves the right to assert such priority.

§102 and §103 Rejection of the Claims

Claims 1-3 and 11-13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Peterson et al. (U.S. Patent No. 5,893,882). Claims 6-10, 16-20, 22 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Peterson et al. (U.S. Patent No. 5,893,882) in view of Mower (U.S. Patent No. 4,928,688).

Applicant has amended claims 1 and 11 to incorporate the limitations of claims 4 and 14, respectively, and cancelled claims 4 and 14. In view of the statement of allowable subject matter in the office action, applicant believes that claims 1 and 11, as well as dependent claims 2-3, 5-10, 12-13, and 15-20 are thereby rendered allowable. Claims 21-24 have been cancelled. Applicant believes that the rejections have thus been overcome.

The rejections are traversed for the record, however, and applicant reserves the right to prosecute claims similar or identical to the claims before this amendment in one or more continuation applications. Applicant finds no teaching of ventricular resynchronization pacing in the Peterson et al. reference and can further find no teaching or suggestion for the use of ventricular resynchronization pacing in conjunction with ventricular rate regularization in an atrial fibrillation mode.

Allowable Subject Matter

Claims 4, 5, 14 and 15 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended claims 1 and 11 to incorporate the limitations of claims 4 and 14, respectively, and cancelled claims 4 and 14. Applicant believes that the amendments contained herein have overcome the objections and that claims 1 and 11, as well as dependent claims 2-3, 5-10, 12-13, 15-20, and 25-28 are thereby rendered allowable

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (847) 432-7302 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,


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By their Representatives,

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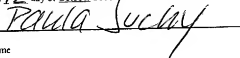
Date 10-12-06

By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 12 day of October 2006.

Name



Signature

